

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LaCREAM NEWMAN,

Plaintiff,

v.

No. 04-CV-395  
(TJM/DRH)

GEORGE B. DUNCAN, Superintendent of Great Meadow Correctional Facility; DAVID CARPENTER, Deputy Superintendent; PATRICK VANGUILDER, Deputy Superintendent of Security; WILLIAM MAZZUCA, Superintendent of Fishkill Correctional Facility; R. ERCOLE, Deputy Superintendent of Security; J. CONKLIN, Corrections Sergeant; and JOHN DOE, Corrections Officer,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated September 6, 2007 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the

Court adopts the Report-Recommendation and Order for the reasons stated therein.

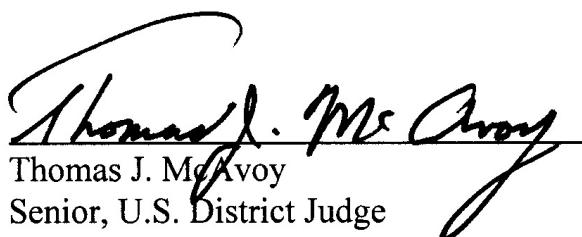
It is therefore,

**ORDERED** that

- (1) Defendants' motion for summary judgment (Docket No. 36) is **GRANTED** as to defendants Duncan, Carpenter, VanGuilder, Mazzuca, Ercole, and Conklin and as to all of Newman's causes of action;
- (2) The complaint is **DISMISSED** without prejudice as to defendant John Doe; and
- (3) This action is **TERMINATED** in its entirety as to all defendants and all claims.

**IT IS SO ORDERED**

DATED: September 26, 2007



Thomas J. McAvoy  
Senior, U.S. District Judge